

# **BOARD OF POLICE COMMISSIONERS**

## **Minutes of the Regular Board of Police Commissioners Meeting Thursday, February 24, 2005**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, February 24, 2005, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

### **ATTENDANCE**

#### **Board Members Present**

Arthur Blackwell, II  
Erminia Ramirez  
Jim Holley **(ABS)**  
Megan Norris  
Willie Hampton

#### **Department Personnel Present**

Chief Ella M. Bully-Cummings  
AC Walter E. Shoulders  
AC Walter Martin  
Cmdr. Ralph Godbee  
Lt. Joan Graham  
Lt. Brian Stair  
Sgt. Ramona Bennett  
Sgt. Debbie Jackson  
Atty. Nancy Ninowski

#### **Board Staff Present**

Dante' L. Goss, Executive Director **(ABS)**  
E. Lynise Bryant-Weekes, Personnel Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator

### **OTHERS PRESENT**

Atty. John Goldpaugh, DPOA  
Bettina Burrows  
Ms. G. A. Walters  
Ron Scott  
Santiago Esparza  
Detroit News

### **RECORDERS**

Jerome Adams  
Kellie Williams

1. **CALL TO ORDER**

**Chairperson Blackwell** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:19 p.m.

2. **APPROVAL OF MINUTES**

- Thursday, February 10, 2005
- Thursday, February 17, 2005

**MOTION:** **Comm. Norris** made the motion to approve the above Minutes.

**SECOND:** **Comm. Ramirez** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

3. **REPORT FROM THE CHAIR**

**RESOLUTION HONORING  
ASSISTANT CHIEF WALTER E. SHOULDERS**

**WHEREAS** On February 28, 2005, Assistant Chief Walter E. Shoulders will be celebrating his retirement from the Detroit Police Department after thirty-six (36) years of exemplary and dedicated service to the citizens of Detroit; and

**WHEREAS** Walter E. Shoulders was appointed to the Detroit Police Department on August 19, 1968; and

**WHEREAS** Upon graduation from the Detroit Police Academy, Officer Shoulders began his career at the Second Precinct (presently the Third Precinct) as a patrolman in the original scooter patrol, later known as the Community-Oriented Patrol Section; and

**WHEREAS** On October 11, 1974, Officer Shoulders was promoted to the rank of Sergeant and assigned to the Fifteenth Precinct (currently the Ninth Precinct) as a Patrol Supervisor. In February 1977, he

transferred to the Civilian Personnel Unit of the Personnel Bureau;  
and

**WHEREAS** On December 20, 1977, Sergeant Shoulders was promoted to the rank of Lieutenant. Upon completion of Officer Candidate School, Lieutenant Shoulders was assigned to the Eleventh Precinct. In July 1981, he transferred to the Communications Operations Section where he remained until November 1981, when he was transferred back to the Civilian Personnel Unit as the Officer in Charge. In that capacity, Lieutenant Shoulders participated in union negotiations with civilian units and the various locals represented in the police department; and

**WHEREAS** On May 12, 1989, Lieutenant Shoulders was appointed to the rank of Inspector. As an Inspector, he served in the following capacities: Commanding Officer of the Tactical Services Section, Patrol Inspector of the Fifth Precinct and Acting Commander of the Fourth Precinct; and

**WHEREAS** On August 27, 1993, Inspector Shoulders was appointed to the rank of Commander. As a Commander, his assignments included the Fourth Precinct, Ninth Precinct and the Thirteenth Precinct; and

**WHEREAS** On July 18, 1998, Commander Shoulders was appointed to the rank of Deputy Chief and was assigned to the Eastern Operations Bureau (currently Customer Service Zone-East). His responsibilities included monitoring and coordinating all patrol and investigative operations for police precincts on the eastside of the city of Detroit. He was also responsible for monitoring and coordinating the efforts of the Harbormaster Unit; and

**WHEREAS** On January 1, 2002, Deputy Chief Shoulders was appointed to the rank of Assistant Chief of Police and tasked with heading the Operations Portfolio; and

**WHEREAS** Assistant Chief Shoulders received a Bachelor of Science in Criminal Justice and a Master of Arts in Teaching from Wayne State University. He is also a 1990 graduate of the Northwestern University Traffic Institute School of Police Staff and Command. Assistant Chief Shoulders has also attended numerous professional and executive training seminars, both locally and nationally; and

**WHEREAS** During his tenure with the Department, Assistant Chief Shoulders was the recipient of numerous letters of appreciation and praise, awards and commendations, including a 1980 GOP Commemorative

Award, seven (7) Chief's Merit Awards, two (2) Unit Citations, one (1) Department Citation and numerous Perfect Attendance Awards; and

**WHEREAS** Assistant Chief Shoulders completed his illustrious thirty-six (36) year career without taking a single sick day,

**NOW THEREFORE, BE IT**

**RESOLVED** That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department, thank Walter E. Shoulders for serving us with honor and distinction. His integrity, professionalism, loyalty and tireless dedication, merits our highest regards and best wishes for continued success.

We salute and congratulate you, Assistant Chief of Police Walter E. Shoulders. Enjoy your retirement – that's an order.

**DETROIT BOARD OF POLICE COMMISSIONERS**

/s/Arthur Blackwell  
Chairperson

/s/Erminia Ramirez  
Vice Chairperson

/s/ Megan P. Norris  
Commissioner

/s/Jim Holley  
Commissioner

/s/Willie Hampton  
Commissioner

**MOTION:**     **Comm. Norris** made the motion to adopt the Resolution.

**SECOND:**     **Comm. Hampton** seconded the motion.

**VOTE:**        All in attendance voted in the affirmative.

**Vice-Chairperson Ramirez** presented AC Shoulders with a Performance Award.

**Chairperson Blackwell** asked AC Shoulders to say a few words.

**AC Shoulders** thanked everyone.

**4. SECRETARY'S REPORT – EXEC. DIR. GOSS**

**Suspensions**

On February 24, 2005, **Police Officer Patrick Jones**, Badge 689, assigned to the Eighth Precinct was suspended **without pay** by Chief Ella M. Bully-Cummings.

On February 16, 2005, the Internal Controls Division, Internal Affairs Section was notified of an allegation of misconduct on the part of Officer Jones. More specifically, the allegation of misconduct concerned the breaking and entering of a residence of another while in possession of a dangerous weapon and causing damage to the residence. As a result, an Internal Affairs investigation was initiated.

The Internal Affairs investigation revealed the following:

On February 16, 2005, at approximately 3:34 a.m. Westland police officers responded to a radio run concerning a breaking and entering at a residence, located in the City of Westland, Michigan. Upon arrival, Westland police officers were advised by complainant 1 that he is a Detroit Police Officer, and that while he and complainant 2 were asleep inside of the residence, complaint 2's eight (8) year old child woke them up because she heard someone knocking on the front door. As complainants 1 and 2 proceeded down stairs, they observed Officer Jones outside standing on the front porch. At that point, Officer Jones knocked down the front door and entered the residence with his firearm drawn to his side. Complainant 1 then retrieved his firearm and identified himself as a Detroit Police Officer and told Officer Jones to leave his residence. Officer Jones then identified himself as a Detroit Police Officer and advised complainant 1 that he wanted to speak to complainant 2 and his eight (8) year old child. After several requests, Officer Jones left the residence, whereupon he was taken into custody by Westland police officers and transported to the Westland Police Department.

On that same date, a warrant was issued against Officer Jones, charging him with "Home Invasion First Degree," "Home Invasion Third Degree," "Malicious Destruction of Property/\$200.00 or more but less than \$1,000.00," and "Felony Firearm," contrary to MCL 750.110a(5), MCL 750.110a(7), MCL 750.377a, and MCL 750.227b, respectively. "Home Invasion First Degree" is a felony punishable by imprisonment for not more than 20 years and/or a fine of \$5,000.00; "Home Invasion Third Degree" is a felony punishable by imprisonment for not more than five (5) years and/or a fine of \$2,000.00; "Malicious Destruction of Property" is a misdemeanor punishable by imprisonment for not more than one (1) year and/or a fine of not more than \$2,000.00 or three (3) times the amount of destruction, whichever is greater; and "Felony Firearm" is a felony punishable by two (2) years in prison.

On February 17, 2005, Officer Jones appeared at the State of Michigan Eighteenth District Court for arraignment; a plea of not guilty was entered on his behalf to each of the aforementioned charges. A personal bond was set in

the amount of \$10,000.00. A preliminary examination is scheduled for February 24, 2005.

Based on the above circumstances, it is recommended that Officer Jones be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT UNBECOMING AN OFFICER, COMMAND 3.**

**Unless contravened by this Commission, the above suspension without pay will stand.**

**There were no contraventions to the above suspension without pay.**

On February 24, 2005, **Police Officer William Fickett**, Badge 4265, assigned to the Second Precinct, was suspended without pay by Chief Ella M. Bully-Cummings.

On February 23, 2005, the Internal Controls Division, Internal Affairs Section was notified of an allegation of misconduct on the part of Police Officer William Fickett, badge 4265, assigned to the Second Precinct. More specifically, the allegation of misconduct concerned the unjustified use of force against his spouse (hereinafter complainant) and the careless use of a firearm. As a result, an Internal Affairs investigation was initiated.

The Internal Affairs investigation revealed the following:

On February 23, 2005, at approximately 2:05 a.m., Garden City police officers responded to a radio run concerning a domestic violence/felonious assault with a firearm at a location in Garden City, Michigan. Upon arrival, the Garden City police officers met with the complainant who advised that she and off-duty Detroit Police Officer William Fickett are in the process of a divorce. That at approximately 6:30 p.m., on February 22, 2005, Officer Fickett arrived at the address to watch the couples' three (3) minor children while the complainant attended a meeting. That after Officer Fickett arrived at that location, he began to discuss the divorce with the complainant. At that time, Officer Fickett became angry, drew his Detroit Police Department issued firearm and pointed it at the complainant as he charged across the room to her. Officer Fickett then forced the muzzle of the firearm into the middle of the complainant's left arm, pushed her onto the bed, and pinned her on the bed while the muzzle of the firearm was held against her arm. Officer Fickett then

threatened to kill the complainant and any man before their divorce became final. The complainant talked to Officer Fickett for approximately 15 minutes, calmed him down, and left the location. At approximately 10:30 p.m., the complainant returned to the location, whereupon Officer Fickett placed his Detroit Police Department firearm to his head and pulled the trigger causing the firearm to click. Officer Fickett then pulled the magazine to the firearm out of his pocket, placed it in the firearm and racked it. Finally, after throwing a DVD and a newspaper at the complainant, Officer Fickett left the location. At that time, the complainant contacted the Garden City Police Department. Garden City police officers noted that the complainant had a bruise in the middle of her left arm. Shortly thereafter, Officer Fickett was arrested and conveyed to the Garden City Police Department.

On that same date, a warrant was issued against Officer Fickett, charging him with "Felony Assault," "Felony Firearm," and "Assault and Battery-Domestic Violence," contrary to MCL 750.82, MCL 750.227b, and 750.81, respectively. "Felony Assault" is a felony punishable by not more than four (4) years in prison and/or a fine of \$2,000.00; "Felony Firearm" is a felony punishable by two (2) years in prison, consecutively; and "Assault and Battery-Domestic Violence" is a misdemeanor punishable by 93 days in jail and/or a fine of not more than \$500.00.

Also on that same date, Officer Fickett appeared for arraignment at the State of Michigan Twenty-First District Court on the aforementioned charges. A plea of not guilty was entered on his behalf; a \$5,000.00 cash bond was set. After the arraignment, Officer Fickett remained in custody and was transported to the Psychiatric Intervention Center Hospital, located in Garden City for 72-hour observation. Upon release, Officer Fickett will be returned to the Garden City Police Department. A preliminary examination is scheduled for March 7, 2005.

It should be further noted that Officer Fickett was appointed to the Detroit Police Department on May 12, 1997. In 2000, Officer Fickett was charged with "Unjustified or Careless Use of a Firearm" stemming from a domestic altercation with his wife, wherein he discharged one (1) round from a firearm into the ceiling of his home. Officer Fickett plead guilty to the charge at a Chief's disciplinary hearing on December 13, 2000, and was sentenced to a 60-day suspension, with 50-days held in abeyance for a period of one (1) year. Officer Fickett was also ordered to attend anger management counseling, as well as alcohol abuse counseling through Detroit Police Department Personnel Affairs.

Based on the above circumstances, it is recommended that Officer Fickett be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT UNBECOMING AN OFFICER, COMMAND 3.**

**Unless contravened by this Commission, the above suspension without pay will stand.**

**There were no contraventions to the above suspension without pay.**

**Chairperson Blackwell** stated he just wanted to ask a process question if I can, relative to someone who clearly exhibited behavior in 2000. And I guess what I'm asking, is the process of the sixty (60) day suspension for someone who clearly had some issues then, is the department comfortable that that's an appropriate observation? Is that were looking into? Is it case by case basis. I'm just curious.

**Atty. Hooks** stated Ms. Ninowski can address that, as the representative for the Department.

**Atty. Ninowski** stated to answer your question that issue has been looked into and in terms of the Department and going through arbitration and the disciplinary process we have sought higher and stiffer penalties for that kind of offense. So yes, we have addressed that.

On February 24, 2005, **Police Officer Tamika Richardson**, Badge 576, assigned to the Thirteenth Precinct was suspended without pay by Chief Ella M. Bully-Cummings.

On February 4, 2005, the Internal Controls Division, Internal Affairs Section was notified of an allegation of misconduct on the part of Officer Richardson. More specifically, the allegation of misconduct concerned the altering or falsifying of official documents. As a result, an Internal Affairs investigation was initiated.

The Internal Affairs investigation revealed the following:

On February 4, 2005, at approximately 8:30 a.m., Officer 1 was on patrol in the area of East Seven Mile Road in the City of Detroit, when he noticed a vehicle parked on the snow-covered grass between Osborne High School and the curb. The Law Enforcement Information Network (hereinafter LEIN) was accessed to determine ownership of the vehicle. However, the LEIN advised that there was no record on computer. Further investigation of the vehicle revealed that the license tab affixed to the license plate of the vehicle had expired in September 2004, and did not belong to the vehicle.

Pursuant to Detroit Police Department procedure, Officer 1 then impounded the vehicle to determine proper ownership. At that time, Officer Richardson exited Osborne High School dressed in full uniform and claimed ownership of the vehicle. Officer 1 then advised Officer Richardson that the license plate on the vehicle was improper and that the license plate tab was false. Officer Richardson admitted to Officer 1 that the vehicle was not registered and that the vehicle was uninsured. Officer Richardson then became upset and threatened to get into her vehicle and leave the scene. Whereupon, a supervisor was called and responded to the scene of the incident. Officer Richardson was then arrested and conveyed to the Ninth Precinct. The vehicle was impounded and placed on evidence. During an inventory search of the vehicle, a partially full bottle of cognac was found within the passenger compartment thereof.

On Monday, February 21, 2005, a warrant was issued against Officer Richardson, charging her with "License Documents/Plates – Forgery," (hereinafter License Documents), "Motor Vehicle - Operation Without Security," "Operating Without a License," and "Open Container of Alcohol in a Motor Vehicle," contrary to MCL 257.257, MCL 500.3102, MCL 257.311, and MCL 257.624a, respectively. "License Documents" is a felony punishable by one (1) to five (5) years in prison and/or a fine of \$500.00 to \$5,000.00; "Motor Vehicle – Operation Without Security" is a misdemeanor punishable by not more than one (1) year in jail and/or a fine of not less than \$200.00 nor more than \$500.00; "Operating Without a License" is a misdemeanor punishable by 90 days in jail and/or a fine of \$100.00; and "Open Alcohol in a Motor Vehicle" is a misdemeanor punishable by 90 days in jail and/or a fine of \$100.00, community service and substance abuse screening.

On February 22, 2005, Officer Richardson appeared at the State of Michigan Thirty-Sixth District Court for arraignment; a plea of not guilty was entered on her behalf to each of the aforementioned charges. A personal bond was set in the amount of \$50,000.00. A preliminary examination date is scheduled for March 17, 2005.

Based on the above circumstances, it is recommended that Officer Richardson be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT UNBECOMING AN OFFICER, COMMAND 3.**

**Unless contravened by this Commission, the above suspension without pay will stand.**

**Chairperson Blackwell** asked before you go forth do you have anymore?

**Atty. Hooks** stated I just have one, but is going to be abbreviated. It is a closed session.

**Chairperson Blackwell** stated I guess that I'll have a conversation with the Chief. It appears to me and my colleagues that there are some serious psychological and anxiety type issues going on, which not only our concern as it relates to the well being of the officer, but clear, an officer in those states has to be a serious concern relative to the citizens. Because when somebody is engaged in a particular confrontation with an individual where it gets physical and there are a lot of other (inaudible) type of activity, but when you're talking about somebody who is in uniform and they've done this and they have alcohol...it's just like a total breakdown of their protocol. I know we have departmental psychiatric counselors and folks that help. He asked Chief Bully-Cummings, are they there only when something happens or is there a periodic review of what's going on? Because it seems like some of this behavior...I mean it's beyond...and of course it has some...and obviously these are allegations and I'm not trying to make this from a standpoint of a court case. I 'm just saying, just listening to it is some serious concern. So, I guess the issue is are there some periodic reviews of the department personnel or is this something that only happens when an officer gets into trouble.

**Chief Bully-Cummings** stated one of the things that they are trying to hold command people accountable for is, you see these officers on a daily basis and you know that on a daily basis whether there is a change in their behavior and their work. And, so therefore it is incumbent upon the first line supervisor to make the observations and to make the recommendations and move forward. We shouldn't have to wait until something happens. If you have an officer for years, who has been a very productive officer, came to work every single day and then one day he comes to work late and his clothes look shabby and he looks unkept then you may want to pull that officer aside. And, you have a responsibility as a supervisor to talk to that officer to attempt to help that his or her. And, that's something that were trying to get all supervisors to understand that it's a responsibility of theirs, to be cognoscente of their officers on a daily basis and not waiting until something happens.

**Chairperson Blackwell** stated getting back on this particular case and get back to my soap box, relative to the first two cases, both involved Detroit Police officers that lived in other communities, I believe.

**Atty. Hooks** stated incidents happened in another community, but it did not indicate that that was their residence?

**Chairperson Blackwell** stated I thought in one case, they went into the person's home.

**Atty. Hooks** stated right, but it wasn't that officer's, one of them it was another officer's residence.

**Chairperson Blackwell** stated you must really be close to somebody to pull a gun in somebody else's house. I guess the issue is that there is another checking system, in addition to what the Chief is talking about, when you come to work everyday and that's the community. When you live in the neighborhood and you are a regular neighbor, a community can notice strange behavior as well. I just think that...and I know we're working with the Coalition Against Police Brutality kind of another specific issue, but the whole issue of what is going on in a broader sense. I think it is incumbent upon us to work with the Chief's office as well as the community on finding out if this thing is drifting faster than we think it is. The issue is that we are catching these. But, the issue is, is there a bigger pattern of incidents that is going on. I'm concerned only because it is not going to get better, it is only going to get worse, unless there is some real radical intervention.

I remember we had a case, maybe a year or so ago, about an Inspector or supervisor, who has having some depression problems. That person was involved in a police chase and came to us crying out for help. I don't know if there is an infrastructure in place. I don't know Chief if that something that we need to do or get more money for it. If so, we are willing to be an advocate for that. Because I think it is critical that the mental, physical and emotional well being of our officers be number one (#1), so that we know that that is being taken care of that the people would obviously be in good shape. I know that we have heard strange cases before, but now it seems that they are getting a little stranger and little more frequent.

**Vice-Chairperson Ramirez** asked is there a policy of procedure when a first line supervisor notices something, is that individual directed to seek help or can we make him seek help.

**Chief Bully-Cummings** stated we do have a process in place. Even I have taken a look at a number that has raised some concerns and made a recommendation to Risk to look at that officer. And, it is not in the form of any kind of discipline, it's just out of concern and to provide any assistance that may be uncovered that the officer needs. In addition to that, our Interim Management Awareness System that we are putting together will send out red flags with the various stages that will alert us to potential problems. Let's just say, when an officer has ten (10) years on the job and has never ever had a citizen's complaint in over a period of a year, there maybe citizens' complaints coming in on a regular basis with this officer then

the system will alert us. Once we get this technology in and this system in place, I think that will help first line supervision being more observant of their members that report directly to them on a daily basis and command officers being more observant.

**Vice-Chairperson Ramirez** asked what is the name of this system?

**Chief Bully-Cummings** stated the Interim Management Awareness System. It is required by the consent decree.

**Vice-Chairperson Ramirez** asked what is that? What is the date when we are going to have a good tracking system?

**Chief Bully-Cummings** asked Cmdr. Godbee to address the matter.

**Vice-Chairperson Ramirez** stated kind of interfaces what I have always been saying about our complaints.

**Cmdr. Godbee** stated we have already started the roll out. The First Precinct has already been trained on it. Logistically, that made sense because they are in relation to the ITS department. They are functionally using it. The Twelfth Precinct has been trained on it. All precincts should be up and running by May of this year. So, they have a tracking system, when you reach a certain threshold, there are normally performance indicators that we look at. If those performance indicators are triggered then a training intervention has to take place. And, that is at the first level of supervision. There is an intervention strategy that has to be developed and it has to be approved up to the commander. So, that way everybody in the chain of command is involved in that intervention. It's either disciplinary or non-disciplinary corrective action. What we are trying to do is of a disciplinary track. So, our first goal is to recognize these problems on the front end, intervene, make appropriate recommendations, come up with a training intervention strategy and it would have to be a feedback mechanism. All of this is within a temporary database, that ITS has helped us develop. Now, we have a tracking system where we could go back and see what we have done incrementally to assist that officer, prior to getting to that point.

**Vice-Chairperson Ramirez** asked would that list come to us?

**Cmdr. Godbee** stated it is not a list per say. We sit down with the DPOA and talked about this, they still have concerns, but we have a responsibility to go forward anyway. If there is confidential information, it would come as a part of this because depending on what the issue is, if it is a financial issue, if it is a family issue, or if it is aging parent.

**Comm. Norris** stated they might not be disciplinary.

**Cmdr. Godbee** stated they may not be disciplinary, but it may lead to performance. But, if we don't address the performance issue or the reason that lead to it, it can turn into disciplinary when nerves get frayed or when people get frustrated. So, we are trying to medicate that on the front end.

**Comm. Norris** stated I think the big part of it is the mind set of the commanding officers. I know the situation that Comm. Blackwell talked about early, the person had confided in someone, who that they are talking to me as a friend. The response from this Commission was, you're the superior officer and you have to take ownership of that knowledge and do something appropriate, you can't just sort of hear it as a friend. That is a mind set training understanding sort of issue that I know that we are addressing.

**Chief Bully-Cummings** stated the other thing is something that I have talked with the Assistant Chief about. I will be going out to talk to officers. I have an assessment being done to compile because to me it seems that the numbers are increasing also. To talk to the officers and to reiterate they need to look back at the oath of office that they took, they are being held to date. Also, there is no reluctance on the part of our current Prosecutor to issue warrants. Warrants are being issued on a regular basis. Particularly, the evidence sustains the charge. And, they are not being held for more than two years anymore, it is pretty much immediately. So, part of it is going out and talking to officers to understand their responsibility as a police officer, but on the other hand, trying to catch the behavior before it gets to the point, where it could lead to criminality.

**There were no contraventions to the above suspension without pay.**

**Atty. Hooks** stated we have one last suspension. We have a suspension without pay petition concerning **Police Officer Nathaniel Pittman, Badge 4702**, assigned to the Ninth Precinct. A closed session has been requested pursuant to MCL 15.268A of the Open Meetings Act. She asked for a motion from the Board to go into closed session, which of course, would have to be seconded and followed by a majority vote for such to occur.

**Chairperson Blackwell** asked are they requesting it today?

**Atty. Hooks** stated yes.

**Chairperson Blackwell** asked before we do, do we have anything else on the agenda that can go, except for public comments.

**Comm. Norris** stated yes.

**Atty. Hooks** stated we do have a presentation.

**Comm. Norris** stated I have one item of other business, when we get to other business.

**Chairperson Blackwell** stated why don't have the presentation from the Dive Team and then we will deal with other business and Comm. Norris' issue. We will recess to the closed meeting and then we will do oral communications from the audience.

**Comm. Norris** asked would you like for me to make the motion for the closed session?

**Chairperson Blackwell** stated yes.

**MOTION:** **Comm. Norris** stated the request having being made by Police Officer Nathaniel Pittman, Badge 4702, I move that the Board of Police Commissioners conduct a closed session pursuant to MCL 15.268A of the Open Meetings Act to review a personnel matter, relative to that individual.

**SECOND:** **Comm. Hampton** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

*The Board of Police Commissioners entered the closed session meeting at 4:40 p.m.*

*The Board of Police Commissioners returned from the closed session and went back on the record at 5:21 p.m.*

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

**CITIZEN COMPLAINTS RECEIVED**

	<u>This Week</u>	<u>Year to Date</u>
2005 - Weekly Count of Complaints:	17	150
2004 - Weekly Count of Complaints:	25	172

- The Office of the Chief Investigator (OCI) closed a total of 15 cases this week.
- The Office of the Chief Investigator submitted 0 cases to the Chief's Office. The Chief's Office has reviewed and returned 42 cases to OCI.

## 5. REPORT/PRESENTATION – CHIEF OF POLICE

# DETROIT POLICE DEPARTMENT

## REPORT TO THE BOARD OF POLICE COMMISSIONERS

### *Vision Statement*

#### BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

## SPECIAL ENFORCEMENT ACTIONS

During the period of February 16<sup>th</sup> – February 22<sup>nd</sup>, the *Narcotics Enforcement and Conspiracy Units* conducted 29 search warrants and 28 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 35 Felony arrests
- ◆ 86 Misdemeanor arrests
- ◆ 1 Juvenile detained
- ◆ 121.3 Grams of cocaine, 16 grams of heroin, 347 pills and 300,297.7 grams of marijuana - street value \$1,281,981.00
- ◆ \$2,711,427.00 U.S. currency

Confiscated:

- ◆ 11 Handguns
- ◆ 1 Vehicle

### *The Vice Unit*

On February 18<sup>th</sup>, officers of the Vice Unit conducted inspections within the boundaries of the 1<sup>st</sup> Precinct. As a result of their efforts, the following Miscellaneous Ordinances were issued:

- ◆ 6 for "Performing Simulated Sex Acts"
- ◆ 2 for "Allowing Simulated Sex Acts to be Performed"
- ◆ 3 for "Operating a Business Without a License"
- ◆ 5 for "Perform Service of Dancer Without a Cabaret Card"
- ◆ 2 for "Employ a Person Without a Cabaret Card"
- ◆ 8 Michigan Liquor Control Commission Inspections conducted

### *The Gang Enforcement Section*

On February 18<sup>th</sup>, officers of the Gang Enforcement Section while on patrol in the area of Grand River and Clarendon observed a vehicle blockading a moving lane of traffic. As a result of their investigation, the following arrest and confiscation was made:

- ◆ 1 arrested for "Carrying a Concealed Weapon on Person"
- ◆ 1 traffic violation issued for "Blockading a Moving Lane of Traffic"

Confiscated:

- ◆ 1 Handgun

## Police/Community Intervention



TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated  
Year-To-Date

503

FIRST PRECINCT

On February 18<sup>th</sup>, officers of the 1<sup>st</sup> Precinct responded to the 600 block of Alfred on a "Car Stripping in Progress" run. As the result of their quick response, one (1) man was arrested for "Possession of a Stolen Vehicle" and "Habitual 4<sup>th</sup>."

#### TENTH PRECINCT

On February 18<sup>th</sup>, officers of the 10<sup>th</sup> Precinct while on patrol in the area of Blaine and Lawton observed a vehicle without a license plate, disregard a stop sign. As a result of their investigation, one (1) man was arrested for "Carrying a Concealed Weapon on Person." Confiscated was a blue steel revolver.

#### ELEVENTH PRECINCT

On February 20<sup>th</sup>, officers of the 11<sup>th</sup> Precinct received a police run to the 20000 block of Goddard, on a "Shooting" run. Subsequent to an investigation, two (2) men were arrested for "Murder." Confiscated were a shotgun and other evidence pertaining to the murder.

#### TWELFTH PRECINCT

On February 16<sup>th</sup>, officers of the 12<sup>th</sup> Precinct received a police run to the Home Depot, located at 18700 Meyers, on a "Wanted Person." As a result of the officers investigation, one (1) man was arrested for "Robbery Armed" and "Felony Firearm." The subject had robbed the store the previous week.

#### THIRTEENTH PRECINCT

On February 12<sup>th</sup>, officers of the 13<sup>th</sup> Precinct set up surveillance in the 4200 block of Woodward, due to breaking and enterings in the area. The officers witnessed a man matching the description of the wanted man. As a result of their investigation, he was arrested. Confiscated were burglary tools. Additionally, he is wanted for 13 counts of "Uttering and Publishing" and "Possession of Stolen Checks."

#### METROPOLITAN DIVISION

During the period of February 16<sup>th</sup> – 22<sup>nd</sup>, officers of the Metropolitan Division conducted enforcement actions in the city of Detroit. The following are the results of their endeavors:

- ◆ 7 Felony arrests
- ◆ 9 Misdemeanor arrests
- ◆ 785 ordinance violations issued

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**Chief of Police Ella M. Bully-Cummings**

#### **6. PRESENTATION – UNDERWATER RECOVERY TEAM**

**Lt. Graham** gave the following PowerPoint presentation:

**(SEE ATTACHED)**

### Questions & Answers

**Vice-Chairperson Ramirez** asked how many members do you have on your team?

**Lt. Graham** stated we currently have 16 members.

**Comm. Norris** stated was a first class presentation and a first class operation.

## **7. OTHER BUSINESS**

**Comm. Norris** stated I just want to bring to the Commission's attention about a concern that I had regarding some stuff that's going on with the consent decree. I talked briefly to Commander Godbee yesterday. I think it's clear that he and I are on the same page and I would like to be able to tell the Department, that all of us are on the same page, if we can. And, the issue is, as I understand it, when policies get made somebody somewhere drafts policies and at some point they work they way to us. At the point they work their way to us and we pass them, those are the policies of the Detroit Police Department and the Chief in her discretion in terms of how to best implement those policies than can carry forth. There's been some suggestion on the monitors' part that until the monitor blesses the policies, they don't get disseminate and implemented. The Department has been dinged a little bit in some quarterly reports because policies were passed and were acceptable, but had not been disseminated and that's because the monitor said that they couldn't disseminate, yet. And, what I said and what Commander Godbee said was, if everybody agrees that need to be doing this stuff than let's go about the business and doing it. If the monitor wants to word some other things or if the monitor wants to withhold a check mark for compliance until something better is done, they can do that. But, in the mean time let's make the improvements that we all know that we want to make. And I was very encouraged from what I heard from the department because the Department is going forward. They're trying to do this stuff. As Commander Godbee said, not only do we have to pass the policies, but we are going to get audited on the implementation of them and until they're disseminated, we can't do that. So, my position which I'm hoping you all share is obviously there will be times when the Chief may determine that it's best to hold something up because there's a kink that needs to be worked out or something like that. But, for the most part, once we sign off that's the policy of the DPD and it can be carried out and if it needs to be

changed later, it'll be changed later. Everything that I've heard says the monitor doesn't run the police department the Chief runs the police department. And, I was a little concerned about the idea that the monitor gets to decide when the policies go.

**Chairperson Blackwell** stated it was my understanding that the monitor worked with the Department prior to coming to us.

**Comm. Norris** stated what happens is some of the policies have to be blessed by the Department of Justice and we do not see all of those until that's all happened.

**Chairperson Blackwell** stated I understand.

**Comm. Norris** stated other policies don't have to be blessed by the Department of Justice. They come to us after they pass them; they are submitted to the monitor.

**Chairperson Blackwell** asked after we pass them?

**Comm. Norris** stated right. A whole bunch of policies have been submitted to the monitor. Several things happened. One is those sit for a long time, even months perhaps.

**Chairperson Blackwell** asked are they written up in the report?

**Comm. Norris** stated as either non-compliant or either they withhold compliance depending on how long they have been sitting and how guilty they feel about that. That's Megan's editorializing, of how I think it works, but I think that is accurate. But, the other thing that happens is they may come back and say, we think it would be better if x or y, not it's required by the consent decree to x or y, but what we think will be better. The Department has been very receptive to that. Obviously, we want to do things the best possible way. But, in the mean time, while were word smithing, let's do at least what we've got and if it can be improved later, we can improve it later. The example that really struck with me was that there is a policy on performance evaluations because historically certain of these civil rights violations kinds of things have not been considered in performance evaluations. Now they are going to be considered in performance evaluations. Well its time to do performance evaluations. Waiting six (6) more months to disseminate that one is going to cost us a whole year of complying with it because were doing it now. And so why not...

**Chairperson Blackwell** asked have you brought this information up to the monitor?

**Comm. Norris** stated I made a comment in the meeting and then met with Commander Godbee afterwards just to say that I'm with you on this one. And, I want to let the Board know what was going on had hoped that Board would say that we're with him as well.

**Chairperson Blackwell** asked so you haven't met with the monitor?

**Comm. Norris** stated I spoke at the meeting, but she did not meet privately with her. Where she left the meeting because there was a fair amount of discussion about this. Where she left it was, let's keep the dialogue open and that's fine, but I just want the department to be clear that the department needs to carry on its business in the best way possible and not wait months on in. As you all know, we recently passed a policy that is very near and dear to my heart. I would hope that if there's a shooting tomorrow, the department is going to start handling problems the way they said they would and not say we are going to wait eight months until the monitor blesses it before we start doing anything.

**Chief Bully-Cummings** stated probably the only comment is that every policy that we've submitted, whether it's to the monitor as a courtesy to review or to determine whether or not it meets a paragraph in the consent decree or whether it goes to the DOJ for it's review and approval. They have never, never approved a policy as it's been provided to them, ever. It's as if were not capable of writing a concise policy that covers all the best practices. And, initially we tried very hard to work hand in hand with the monitor, but it's becoming very clear now that we've have to take a hard and advanced position because everything in the department operationally is going to be held up.

**Vice-Chairperson Ramirez** asked so in other words if number one, two and four is good and number three might be maybe a phrase or something than they might hold it?

**Chief Bully-Cummings** stated they'll submit it back with a recommendation of how they want it changed.

**Comm. Norris** stated and right, what happen is, there was a particular policy and I'm not sure which one it was. But, as Inspector Fields said, we never get something that says good to go. Until there was a particular policy where reading the quarterly report, the quarterly report said this language is adequate. That's the first information that the Department had that that language was accurate. And, then said but not compliant because you didn't disseminate it.

**Chief Bully-Cummings** stated but then yesterday there was also a policy that and I wasn't at the meeting at that point but to my understanding there was a

policy that the monitor agreed met to the requirements of the paragraphs. And, a comment was made that we are going to find you in compliance because it has not been disseminated and then it was injected that it has been disseminated and so the monitor indicated that were going to have to take a look at that again.

**Comm. Norris** stated that is precisely right.

**Chief Bully-Cummings** stated so, on one hand your saying that the policy meets the requirements and now you've find out that we've disseminated it, so now you're going to back up and say oh no we have to take a look at this one again.

**Comm. Norris** stated the other one that prompted the discussion is that there is a policy that the department and the DOJ agree on. There is no dispute. It's slightly different from the terms of the consent decree, not a problem, the judge says just bring a formal motion and we'll amend the consent decree to reflect what everybody's agreed on. So, the department says, good let's implement the policy and that's when the comment was, well but you need to hold it up because we haven't officially approved it yet. It does not take a monitor's official approval for this department to implement a policy. It takes the monitor's official approval to say that it meets the terms of the consent decree. But, in the mean time, policy is made by coming to us and us voting on it. I was troubled I think that based on my discussion with Commander Godbee were absolute on the same place with this one. This is not one when we are in any way opposed to what the Department is doing. And, I would like the Department to just know, at least from me personally, that we can take a few hits on this one if you need us to. I was concerned by what I heard because it's always been made clear that the monitor does not run the department, the monitor is there to access compliance.

**Chairperson Blackwell** stated it sounds like we are on a horizontal escalator, where were walking and we are not going anywhere. So, I'm just saying to that extent if the Board of Commissioners obvious concern is that the Department makes the changes, submit the changes to us, and we vote on them. If that's not happening then the Board of Commissioners, the Chief, the Department and the City need to get together and decide, as the Chief was saying to be a little more aggressive in our approach. In other words, we will be in a situation no matter what we do, we won't be in compliance. And, we are going to have to try to make it work. But, I think it's a situation where I think everybody say that we put our best foot forward and we still don't seem to making any progress. My whole issue has always been to do whatever you need to do, but once it gets to us that means it's ready for approval. Once we approve that and in conjunction with the community who we obviously read it in front of and allow to make any comments than at that point if the community is certain and

if the department is certain then we can't have any body telling us that we can't do that.

**Chief Bully-Cummings** stated you need to be aware that once that happens there may be a back and forth. There may be cost incurred. There may be issues with issuing a policy and to the Department and then it's sent to the monitor and then they withhold compliance because we're not agreeing to change it to the terms that they wanted. And, if it ever goes to court and we have to change it then we have to redirect the thought processes, from the policy that was issued to the problem.

**Chairperson Blackwell** stated there is a new attorney general. Sometimes you just have to have a new language. You have to talk to people. It's new people. I can't see anybody in Washington, who appears to be law and order and have zero tolerance does not allow the police department and the community, if they agree to move forward.

**Comm. Norris** stated my take and I'm not nearly obviously as informative as the Chief and her staff is. My take is, this is not an issue that were having with DOJ. My feelings that DOJ is happy, frankly and thrilled to see that the Department is making progress and is... they might hold up approval of something, but there not asking the Department to hold up making any improvements that the Department wants to make. My sense was that this was coming more from the monitor's side of it.

**Chairperson Blackwell** stated certainly they need to sit maybe down with the Department and the Chief and see what we can do collectively, so that we can kind of speak with a voice. We clearly don't always want to agree with the Department recommends, but what were saying is that once it comes were going to do our thing then it still has to be tweaked by somebody that is not really in the law enforcement business.

**Comm. Norris** stated Commander Godbee said that they can go ahead and tweak it and the Department may or may not be receptive to that, that's a different issue. The issue is, meanwhile let's at least do the core stuff that everybody agreed that we are supposed to do.

**Comm. Hampton** stated so it's not within the monitor's authority, so she's not washing it up within her authority.

## **8. ANNOUNCEMENT OF NEXT MEETING**

**Thursday, March 3, 2005 @ 3:00 p.m.**  
**Police Headquarters**  
**1300 Beaubien, Rm. 328-A**

**Detroit, MI 48226**

**9. ORAL COMMUNICATION FROM THE AUDIENCE**

**Bettina Burrows** stated she filed a complaint on March 18, 2004, that her sister has kidnapped her eleven (11) month-old and her two (2) year-old.

**Chief Bully-Cummings** stated I am not familiar with this case. She asked Ms. Burrows to give her information to Sgt. Jackson after the meeting.

**Santiago Esparza** stated his sixteen (16) year-old son was harassed and embarrassed by police officers in Southwest Detroit.

**Ms. Walters** thanked the officers, who helped her when she was involved in a car accident. Whatever we are going to do, in terms of building, we have to do very early. We must insist that there has to be more developed men of conversational communication skills and understanding of syntax.

**10. ADJOURNMENT**

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/kdw**